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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/499,951	02/08/2000	TATSUO J. CHIGIRA	B208-1076	1936

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EXAMINER

NGUYEN, KEVIN M

ART UNIT	PAPER NUMBER
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2674

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/499,951

Applicant(s)

CHIGIRA, TATSUO J.

Examiner

Kevin M. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1 and 3-9 is/are allowed.
- 6) ☒ Claim(s) 10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The amendment filed on 18 August 2004 is entered. Amended claim 10 necessitated the new ground(s) of rejection presented in this Office action. The rejection of claim 10 is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi et al in view of Robertson et al (newly cited, US 6,034,653)

As to claim 10, Kobayashi et al teach a head mounted display device (HMD) which includes

[recited in lines 2-4 of claim 10]

a front frame 10F, a display part 41 (figure 4, col. 10, lines 55-56), the left and right rear frame 10L and 10R connect to two end parts of said front frame 10F by hinge parts (10RH, 10Lh, fig. 4);

[recited in lines 5-6 and lines 9-10 of claim 10]

the main frame 10M includes a head push member 10F, which is held in forced contact with front head portion 2F (col. 11, lines 1-2);

[recited in lines 7-8 of claim 10]

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the frame 10 includes the left and right rear frame 10L and 10R that uses elastic member and is simplified in construction (col. 11, lines 9-10).

[recited in lines 11-13 of claim 10]

the left and right rear frames 10L and 10R are hinged by the hinges 10Lh and 10Rh which serve as the coupling mechanisms to the main frame 10M (col. 11, lines 30-33).

Accordingly, Kobayashi et al teaches all of the claimed limitations of claim 10, except for "...a foldable manner... be located on the outside of a display screen of the display part in a state obtained when said right and left side frames are folded with respect to said front frame."

However, Robertson et al teaches a head-set display device 10 (fig. 11) comprising foldable ear pieces 115 and 125 (left and right side frame, fig. 11) which fold like standard eye glasses at hinges 290 and 125 (fig. 11, col. 7, lines 22-30) which are located outside of the display pod 130 (display screen of the display part, fig. 11).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention to provide each Kobayashi's side frame including the foldable manner which are located outside of the display screen, in view of the teaching in Robertson's reference because this would provide the ear pieces to be folded so that the product may be stored more easily as taught by Robertson (col. 7, lines 25-26).

Allowable Subject Matter

4. Claims 1 and 3-9 are allowed.
5. The following is an examiner's statement of reasons for allowance: Morel (US 4,534,628) and Kobayashi et al (US 6,034,653) and Robertson (US 6,034,653), alone or

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in combination, do not teach or fairly suggest a head-mounted display apparatus comprising wherein each of said frames comprises an elastic member and a core member longitudinally inserted in the elastic member and the thickness of the elastic member relative to the core member is preferably arranged to be thicker on the inner side of the core member than on the outer side of the core member.

This distinct feature has been added to the independent claims 1, 7 and renders the above limitation is allowable.

Response to Arguments

6. Applicant has amended claims to overcome the rejections to claims 1 and 3-9 of the paper dated 19 May 2004. Rejections to the claims are withdrawn. Claims 1 and 3-9 are allowed. Examiner's statement of reasons for allowance is indicated above.

7. Applicant's arguments filed 18 August 2004 have been fully considered but they are not persuasive. Applicant argues features in the independent claim 10 that are newly recited. Thus, new grounds of rejection have been used. See above rejections.

For these reasons, the rejections of claim 10 based on Kobayashi et al and Robertson et al have been maintained.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kevin M. Nguyen** whose telephone number is **703-305-6209**. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Richard A Hjerpe** can be reached on **703-305-4709**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for Technology Center 2600 only)

Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Kevin M. Nguyen
Patent Examiner
Art Unit 2674

KN
November 18, 2004


XIAO WU
PRIMARY EXAMINER